

Introduced by Senator LowenthalJanuary 27, 2011

An act to add Sections 17070.31, 17070.94, and 17251.1 to the Education Code, and to amend Section 13102 of the Government Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as introduced, Lowenthal. School facilities: state planning priorities.

(1) Existing law sets forth state planning priorities that are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state. Those priorities are as follows: (a) to promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land, (b) to protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, and (c) to encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, supports new development that meets prescribed criteria.

Under the Leroy F. Greene School Facilities Act of 1998 (hereafter the Greene Act), the State Allocation Board is charged with the allocation of state funds to school districts for the acquisition of schoolsites and the construction of schools.

This bill would require the State Allocation Board, on or before July 1, 2012, to revise guidelines, rules, regulations, procedures, and policies for the acquisition of schoolsites and the construction of school facilities pursuant to the Greene Act to reflect the state planning priorities

referenced above. The bill also would require, on or after July 1, 2012, a school district, as part of an application for funding under the Greene Act, to certify that a schoolsite or school facility included in that application promote those state planning priorities.

(2) Existing law requires the State Department of Education, among other things, to advise the governing board of a school district on the acquisition of new schoolsites, to develop standards for use by a school district in the selection of schoolsites, and to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.

This bill would require that, on and after July 1, 2012, advice, standards, surveys, or information regarding the acquisition of schoolsites or the construction of school facilities provided by the State Department of Education pursuant to this requirement reflect the state planning priorities referenced above in paragraph (1).

(3) Existing law requires the Governor to submit annually a proposed 5-year infrastructure plan to the Legislature in conjunction with the Governor's Budget. Existing law requires this infrastructure plan to include a proposal for funding the infrastructure that includes criteria and priorities used to identify and select the infrastructure proposed to be funded. These criteria and priorities are required, with respect to the identification of new, rehabilitated, modernized, improved, or renovated infrastructure requested by state agencies, to be consistent with the state planning priorities referenced above in paragraph (1) by January 1, 2005.

This bill would additionally require that the criteria and priorities used to identify and select infrastructure proposed to be funded for kindergarten through grade 12 public schools necessary to accommodate increased enrollment, class size reduction, and school modernization be consistent with the state planning priorities referenced above in paragraph (1) by July 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17070.31 is added to the Education Code,
- 2 to read:
- 3 17070.31. On or before July 1, 2012, the board shall revise any
- 4 guidelines, rules, regulations, procedures, and policies for the

1 acquisition of schoolsites and the construction of school facilities
2 pursuant to this chapter to reflect the state planning priorities set
3 forth in Section 65041.1 of the Government Code.

4 SEC. 2. Section 17070.94 is added to the Education Code, to
5 read:

6 17070.94. On and after July 1, 2012, as part of an application
7 for funding under this chapter, a school district shall certify that
8 any schoolsite or school facility included in that application
9 promotes the state planning priorities set forth in Section 65041.1
10 of the Government Code.

11 SEC. 3. Section 17251.1 is added to the Education Code, to
12 read:

13 17251.1. On and after July 1, 2012, any advice, standards,
14 surveys, or information regarding the acquisition of schoolsites or
15 the construction of school facilities provided by the department
16 pursuant to this chapter shall reflect the state planning priorities
17 set forth in Section 65041.1 of the Government Code.

18 SEC. 4. Section 13102 of the Government Code is amended
19 to read:

20 13102. In conjunction with the Governor’s Budget submitted
21 pursuant to Section 13337, the Governor shall submit annually a
22 proposed five-year infrastructure plan to the Legislature. This plan
23 shall cover a five-fiscal-year period beginning with the fiscal year
24 that is the same as that covered by the Governor’s Budget with
25 which it is being submitted.

26 The infrastructure plan shall contain the following information
27 for the five years that it covers:

28 (a) (1) Identification of new, rehabilitated, modernized,
29 improved, or renovated infrastructure requested by state agencies.

30 (2) Aggregate funding for transportation as identified in the
31 four-year State Transportation Improvement Program Fund
32 Estimate prepared pursuant to Sections 14524 and 14525.

33 (3) Infrastructure needs for ~~Kindergarten~~ *kindergarten* through
34 grade 12 public schools necessary to accommodate increased
35 enrollment, class size reduction, and school modernization.

36 (4) The instructional and instructional support facilities needs
37 for the University of California, the California State University,
38 and the California Community Colleges.

39 (b) The estimated cost of providing the infrastructure identified
40 in subdivision (a).

1 (c) A proposal for funding the infrastructure identified in
2 subdivision (a), that includes all of the following:

3 (1) Criteria and priorities used to identify and select the
4 infrastructure it does propose to fund, including criteria used to
5 identify and select infrastructure that by ~~January 1, 2005~~ *July 1,*
6 *2012*, shall be consistent with the state planning priorities specified
7 pursuant to Section 65041.1 for infrastructure requested by state
8 agencies pursuant to ~~paragraph~~ *paragraphs* (1) and (3) of
9 subdivision (a).

10 (2) Sources of funding, including, but not limited to, General
11 Fund, state special funds, federal funds, general obligation bonds,
12 lease revenue bonds, and installment purchases.

13 (3) An evaluation of the impact of the new state debt on the
14 state's existing overall debt position if the plan proposes the
15 issuance of new state debt.

16 (4) (A) Recommended specific projects for funding or the
17 recommended type and amount of infrastructure to be funded in
18 order to meet programmatic objectives that shall be identified in
19 the proposal.

20 (B) Any capital outlay or local assistance appropriations
21 intended to fund infrastructure included in the Governor's Budget
22 shall derive from, and be encompassed by, the funding proposal
23 contained in the plan.